

REMARKS

By this Amendment, claims 1, 22, and 36 have been amended, claims 16 and 44 have been cancelled, and claims 49-59 have been added. Each of the new and amended claims are fully supported by the originally filed application, thus, no new matter has been added by this Amendment.

In the final Office Action, claims 1-3, 6, 8, 9, 14, 22, 28-30, 32-34, 36-42, 44, and 48 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. Des. 335,106 to Teeter ("Teeter"). In addition, claims 1-3, 6, 8, 9, 14, 16, 17, 22, 30-34, 36-42, and 45-47 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,458,119 to Berenstein et al. ("Berenstein").

Applicants respectfully traverse the rejections of independent claims 1, 22, and 36 based on Teeter. Each independent claim, as currently amended, requires, among other things, an elongated body portion comprising a tubular non-loop segment. As illustrated in at least the embodiments of FIGS. 2-3B of the present application, for example, the non-loop segment may be "a tubular segment." (Application, page 8, paragraph 41.)

Teeter, however, does not disclose or suggest a tubular non-loop segment. The Examiner in fact recognizes this, since the Office Action did not reject now cancelled dependent claim 16, which recited a tubular segment, based on Teeter. Instead, Teeter teaches a garment connector including, what appears to be, a chain having a center

component attached thereto. As illustrated in each of FIGS. 1-7 of Teeter, the center component is not tubular, nor does it include any components having a remotely tubular shape. Moreover, Teeter is a design patent and, thus, does not include any written description characterizing the center component as a tubular non-loop segment. Teeter, therefore, does not disclose or suggest, among other things, a tubular non-loop segment as recited in independent claims 1, 22, and 36.

Applicants also respectfully traverse the rejections of claims 1, 22, and 36 based on Berenstein. Each of these claims, as currently amended, requires, among other things, a device having a proximal end piece and a distal end piece, a diameter of at least one of the end-pieces being larger than a diameter of a body canal within which a portion of the device is disposed. As shown in at least FIGS. 1, 2, 6A-6D, and 7 of this application, for example, “[b]ecause the diameter of the end-piece 20, 40 is designed to be larger than that of the body canal, the end-piece 20-40 will prevent device 10 from migrating.” (Application, page 12, paragraph 53.)

Berenstein, however, does not disclose or suggest, among other things, a device including an end-piece having a diameter larger than a diameter of a body canal within which a portion of the device is disposed, nor does Berenstein teach a need for such a diameter. The Examiner recognizes that Berenstein does not disclose this recitation, as the Office Action did not reject now cancelled dependent claim 44 based on Berenstein.

FIGS. 1A-4 of Berenstein illustrate embodiments of the device where the diameter of the end-pieces appear to be substantially the same as the diameter of the coil.

Moreover, no motivation exists to combine the teachings of Berenstein with the teachings of Teeter to obtain Applicants' device, nor is the combination of these two references relied upon by the Examiner to render Applicants' device unpatentable. The garment collector disclosed in Teeter does not constitute analogous art to the embolism devices disclosed in Berenstein. Thus, one of ordinary skill in the embolism devices art would not have looked to the art of garment collectors in developing an embolism device.

Claims 2-12, 14, 15, 17-20, 23, 45, and 48 depend directly or indirectly from independent claim 1, claims 28-34 and 46 depend directly or indirectly from independent claim 22, and claims 37-42 and 47 depend directly or indirectly from independent claim 36. Thus, each of these dependent claims are allowable for at least the same reasons stated above with regard to claims 1, 22, and 36. In addition, each of these dependent claims recites unique combinations that are neither taught nor suggested by the cited art, and therefore each is also separately patentable. Though some of these dependent claims have been withdrawn, Applicants request consideration of the withdrawn claims based on the allowability of claims 1, 22, and 36.

As mentioned above, new independent claims 49 and 54 have been added by this Amendment. Claim 49 recites a device including, among other things, a non-loop

segment connected to a plurality of interconnected loops and separating at least two loops of the plurality of interconnected loops, a cross-sectional diameter of at least one of a proximal end piece and a distal end-piece being greater than a cross-sectional diameter of a body portion. Support for such a device can be found throughout the originally filed specification and, particularly, at paragraph 51 and in FIGS. 1, 2, and 5A-5B. New dependent claims 50-53 depend directly or indirectly from independent claim 49 and each of these dependent claims is allowable for at least the same reasons that claim 49 is allowable. In addition, each of these dependent claims recites unique combinations that are neither taught nor suggested by the cited art, and therefore each is also separately patentable.

Claim 54 recites a device including, among other things, a non-loop segment connected to at least one of said interconnected loops, the end-pieces having substantially the same shape, and a cross-sectional diameter of at least one of the end-pieces being greater than a cross-sectional diameter of the body portion. Support for such a device can be found throughout the originally filed specification and, particularly, at paragraph 51 and FIGS. 1, 2, and 5A-5B. New dependent claims 55-59 depend directly or indirectly from independent claim 54 and each of these dependent claims is allowable for at least the same reasons that claim 54 is allowable. In addition, each of these dependent claims recites unique combinations that are neither taught nor suggested by the cited art, and therefore each is also separately patentable. Applicants

request the entry of these new claims, consideration and examination by the Examiner, and their timely allowance.

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing the pending claims in condition for allowance. The entry of this Amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art cited against this application. Applicants therefore request the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

The final Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the final Office Action.

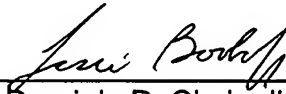
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Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account no. 06-0916.

Respectfully submitted,

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